

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Sheila Finnegan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	12 C 8259	DATE	12/5/2012
CASE TITLE	J. Isabel Pineda vs. Michael J. Astrue		

## DOCKET ENTRY TEXT

Plaintiff's application to proceed *in forma pauperis* [4] is granted.

■ [ For further details see text below.]

Mailed notice.

## STATEMENT

In this lawsuit, Plaintiff J. Isabel Pineda seeks to overturn the final decision of the Commissioner of Social Security denying his application for Disability Insurance Benefits and Supplemental Security Income under the Social Security Act. 42 U.S.C. §§ 416, 423(d), 1381a. Currently before the Court is Plaintiff's application to proceed *in forma pauperis*.

A federal court may permit an indigent party to proceed without prepayment of fees. 28 U.S.C. § 1915(a)(1). Before granting such an *in forma pauperis* application, however, the court should confirm that the action (1) is neither frivolous nor malicious; (2) states a claim on which relief may be granted; and (3) seeks damages against a defendant who is not immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(i)-(iii). *See also Manning v. Arizona*, No. 12 C 1019, 2012 WL 1161506, at \*1 (N.D. Ill. Apr. 9, 2012). Plaintiff has submitted an affidavit stating that he has been unemployed since May 1, 2009, and that his wife earns just \$611 every two weeks. (Doc. 4, at 1-2). The couple has four dependent children and no assets. (*Id.* at 2-3). On these facts, the Court is satisfied that Plaintiff has met his burden of establishing indigence in this case. The Court also finds that Plaintiff has filed a timely and proper request for review of the Commissioner's decision denying him benefits, which is neither frivolous nor malicious.

For these reasons, Plaintiff's application to proceed *in forma pauperis* is granted.